

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FRANK RAMIREZ,  
Petitioner,

v.

DEAN BORDERS,  
Respondent.

Case No. [19-cv-04212-HSG](#)

**ORDER OF DISMISSAL**

Petitioner, an inmate at California Institute for Men, filed an application in the Ninth Circuit Court of Appeals to file a second or successive 28 U.S.C. § 2254 petition in this Court. *See* Dkt. No. 1. On July 18, 2019, the Ninth Circuit denied the application as unnecessary on the grounds that petitioner is challenging the denial of a petition for resentencing, and such challenge may be filed without obtaining prior authorization. *Id.* The Ninth Circuit transferred the application to this Court to be processed as a section 2254 petition, and the Court docketed it as such on July 23, 2019. *Id.* That same day, the Clerk of the Court informed petitioner that this action was deficient because he had not paid the \$5 filing fee or submitted a complete *in forma pauperis* application. Dkt. No. 2. Petitioner was instructed to respond by August 30, 2019. Dkt. No. 2. The deadline has passed, and petitioner has neither paid the filing fee nor submitted a completed *in forma pauperis* application. Nor has petitioner otherwise communicated with the Court.

//

//

//


//

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

The Court therefore DISMISSES this action without prejudice. Because this dismissal is without prejudice, petitioner may move to reopen this action. Any such motion must be accompanied by either the filing fee or a complete *in forma pauperis* application. The Clerk shall enter judgment and close the file.

**IT IS SO ORDERED.**

Dated: 9/23/2019

  
HAYWOOD S. GILLIAM, JR.  
United States District Judge